

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

April 23, 2014
6:00 P.M.

Mayor Anne E. McCaffrey called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Kibler, Lombardi, Fogle, Franco, Schrader, and Genewick.

MAYOR'S UPDATE

RECESS

Recess for public input.

042314.1

APPROVAL OF MINUTES

On motion of Alderman Kibler, seconded by Alderman Lombardi, the minutes of the Regular Meeting of April 2, 2014 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

PUBLIC HEARING

The Mayor announced a public hearing relative to proposed amendments to the City Code 190-94 Zoning, Parking Restrictions.

The Mayor asked the City Clerk if any petitions or communications relative to said proposed amendments have been received.

4/8/14 David Chamberlain, Acting Chairman, Lockport Planning and Zoning Board – recommendation that the amendment to Section 190-94 of the Zoning Ordinance be approved.

Recess for public input.

The Mayor closed the public hearing.

PUBLIC HEARING

The Mayor announced a public hearing on a request for a Special Use Permit made by Scott Schmidt, for approval to operate a pet memorial center and nonhuman crematory to be located at 530 West Avenue, situated in an I-3 Zone.

The Mayor asked the City Clerk if any petitions or communications relative to the request for the Special Use Permit request have been received.

4/8/14 David Chamberlain, Acting Chairman, Lockport Planning and Zoning Board – recommendation that the request for a special use permit made by Scott Schmidt, for approval of a pet memorial center and nonhuman crematory to be located at 530 West Avenue, situated in an I-3 Zone be approved with the following conditions:

1. There shall be no pet cemetery on the property.
2. There shall be only small “household” pets cremated.
3. Minimally a parking barrier shall be installed on the east side of the property.

Recess for public input.

The Mayor closed the public hearing.

PUBLIC HEARING

The Mayor announced a public hearing on a request for a Special Use Permit made by Gina Nowak, for approval to operate a fitness training center on the second floor of the recreation facility to be located at 195 Beattie Avenue, situated in an R-A Zone.

The Mayor asked the City Clerk if any petitions or communications relative to the request for the Special Use Permit request have been received.

4/8/14 David Chamberlain, Acting Chairman, Lockport Planning and Zoning Board – recommendation that the request for a special use permit made by Gina Nowak, for approval of a fitness training center on the second floor of the recreation facility to be located at 195 Beattie Avenue, situated in an R-A Zone be approved.

Recess for public input.

The Mayor closed the public hearing.

FROM THE MAYOR

Resignations:

3/19/14 Allen D. Miskell – resigned as a member the Board of Assessment Review.
Received and filed.

3/22/14 Anne E. McCaffrey – resigned as a member of the Community Cable
Commission.
Received and filed.

Appointments:

4/22/14 Flora Hawkins, 199 West Avenue, Lockport, NY – Reappointed as a member of
the Lockport Housing Authority. Said term expires April 26, 2019.
Received and filed.

4/22/14 Jeffrey Schratz, 390 Locust Street, Lockport, NY – Appointed as a member of the
Fire Board to fill the unexpired term of Thomas O'Shea. Said term expires December 31, 2017.
Received and filed.

FROM THE CITY CLERK

The Clerk submitted payrolls, bills for services and expenses, and reported that the
Department Heads submitted reports of labor performed in their departments.
Referred to the Finance Committee.

Communications (which have been referred to the appropriate City officials)

4/10/14 Richelle J. Pasceri, City Clerk – notification that the Lockport Municipal Offices
will be closed on Friday, April 18, 2014 in observance of Good Friday. There will be no change
in garbage pick up.
Referred to the Media.

4/22/14 Mayor Anne E. McCaffrey – Recommendation that Kenneth M. Genewick, 38,
Harrison Avenue, Lockport, NY be reappointed as a member of the Lockport Community Cable
Commission.
Referred to the Committee of the Whole.

04/23/14 Mayor Anne E. McCaffrey – recommendation that Henry Schmidt, 578 Willow
Street, Lockport, NY be appointed to the Assessment Review Board to fill the unexpired term
of Allen D. Miskell.
Referred to the Committee of the Whole.

Notice of Defect:

3/26/14	Walnut Street (near Cottage Street) - Pothole
3/26/14	454 Willow Street – Potholes
4/1/14	West Avenue (between Ohio & Prospect Streets) - Pothole
4/3/14	175 Chestnut Street – Tree & Tree Stump
4/4/14	398 High Street – Tree
4/7/14	56 Pound Street – Trees
4/8/14	290 Hawley Street – Trees
4/9/14	Lincoln Avenue (near Transit Street) - Potholes
4/9/14	Locust Street (between Willow Street & Lincoln Avenue) - Potholes
4/9/14	Summit Street (near Transit Street) – Potholes
4/11/14	High Street (near Locust Street) - Potholes
4/14/14	443 South Street – Tree
4/14/14	Main Street – exposed man hole cover
4/14/14	High Street (near Locust Street) – Potholes
4/15/14	14 Alabama Place – Tree
4/17/14	South Transit Street – Potholes
4/17/14	Transit Street (near High Street) – Potholes
4/17/14	Niagara Street (near railroad tracks) – Pothole
4/17/14	Niagara Street (near railroad tracks) – Pothole

Referred to the Director of Engineering.

Notice of Claim:

3/26/14	Joanne D. Case, 5018 Escarpment Drive, Lockport, NY
4/1/14	Colleen DeMarco, 87 Pound Street, Lockport, NY
4/8/14	Traci Beals, 15 State Street, Apt. 3, Middleport, NY
4/9/14	Tara & Kelly Linnan, 50 Lincoln Avenue, Lockport, NY
4/9/14	James R. Buchanan, 15 Livingston Place, Lockport, NY
4/9/14	Robert G. Thuman, 5309 Shunpike Road, Lockport, NY
4/11/14	Dina Udell, 100 Pennsylvania Avenue, Lockport, NY
4/14/14	Steve Brown, 8622 Lake Road, Barker, NY
4/14/14	Terri Nelson, 4516 Freeman Road, Middleport, NY
4/14/14	Dina Udell, 100 Pennsylvania Avenue, Lockport, NY
4/17/14	Thomas J. Fulcher II, 132 South Transit Road, Lockport, NY
4/17/14	Linda Bemhagen, 6391 Michelle Drive, Lockport, NY
4/17/14	Candace M. Fulford, 5652 Young Road, Lockport, NY
4/17/14	Diane Frost, 3100 Lockport-Olcott Road, Lockport, NY

Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

042314.2

By Alderman Genewick:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on April 25, 2014 as follows:

General Fund	Account #001	\$173,211.77
Water Fund	Account #002	\$ 63,865.65
Sewer Fund	Account #003	\$ 31,487.24
Refuse Fund	Account #112	\$ 84,943.86
Payroll	Pay Date 4/17/14	\$526,667.11

Seconded by Alderman Fogle and adopted. Ayes 6.

042314.3

By Alderman Genewick:

Resolved, that claims authorized for payment by the Director of Planning and Development, and subsequently paid from the Community Development Escrow Account, be and the same are hereby approved.

Seconded by Alderman Franco and adopted. Ayes 6.

042314.4

By Alderman Kibler:

Resolved, that the Lockport City Code § 190-94 be amended as follows:

A. The parking of motor vehicles, boats, trailers, motorcycles, mopeds or similar vehicles on any part of a front or side yard abutting a highway, street or lane, other than a paved driveway, (see further restriction in Subsection C below) in a residential area or restricted location is prohibited. **A vehicle in violation of this section shall be issued a parking violation notice. The failure to remove said vehicle from the restricted or prohibited area within twenty four (24) hours of receiving a parking violation notice, will result in said vehicle being towed at the owner's expense and a fine of one hundred dollars (\$100), in addition to the fine imposed in section 183-4.**

[Amended 3-15-1995]

E. The penalty for violating subsection A and/or B shall be equal to the fines set forth in Section 183-4, Penalties for Offenses, of the City of Lockport Code for a Class A violation.

Seconded by Alderman Schrader and adopted. Ayes 6.

042314.5

By Alderman Fogle:

Resolved, that the request for a special use permit made by Scott Schmidt to operate a pet memorial center and nonhuman crematory, located at 530 West Avenue, situated in an I-3 Zone, be and the same is hereby approved, subject to the following provisions:

- There shall be no pet cemetery on the property.
- There shall be only small "household" pets cremated.
- Minimally a parking barrier shall be installed on the east side of the property.
- No change in character of neighborhood.
- No excessive noise or disturbance of neighborhood.
- No appreciable change in traffic.
- No outside storage of materials.
- Special permits can be indefinite or limited to a specific time.

The special permit shall go to the applicant only and shall terminate on the sale or transfer of the property, and further it terminates if the use permitted is abandoned for more than one year, if any of the conditions enumerated herein have changed, and in the discretion of the Common Council make such use unsuitable.

Seconded by Alderman Lombardi and adopted. Ayes 6.

042314.6

By Alderman Franco:

Resolved, that the request for a special use permit made by Gina Nowak to operate a fitness training center on the second floor of the recreation facility to be located at 195 Beattie Avenue, situated in an R-A Zone, be and the same is hereby approved, subject to the following provisions:

- No change in character of neighborhood.
- No excessive noise or disturbance of neighborhood.
- No appreciable change in traffic.
- No outside storage of materials.
- Special permits can be indefinite or limited to a specific time.

The special permit shall go to the applicant only and shall terminate on the sale or transfer of the property, and further it terminates if the use permitted is abandoned for more than one year, if any of the conditions enumerated herein have changed, and in the discretion of the Common Council make such use unsuitable.

Seconded by Alderman Genewick and adopted. Ayes 6.

By Alderman Fogle:

Resolved, that the reading of the foregoing resolution be and the same is hereby waived.

Seconded by Alderman Franco and adopted. Ayes 6.

042314.7

By Alderman Kibler:

Resolution Chapter 18 – Code of Ethics

RESOLVED, that Chapter 18 of the City of Lockport Code – Code of Ethics is hereby repealed in its entirety and replaced with the following:

Chapter 18 Ethics, Code of

§ 18-1 Purpose.

Officers and employees of the City of Lockport hold their positions to serve and benefit the public and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The City of Lockport recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This Code of Ethics establishes those standards.

§ 18-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BOARD The Common Council and any municipal administrative board (e.g., Planning Board, Zoning Board of Appeals), commission or other agency or body comprised of two or more municipal officers or employees.

CODE This Code of Ethics.

INTEREST A direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse or a member of his or her household is an owner, partner, member, director, officer or employee or directly or indirectly owns or controls more than 5% of the organization, outstanding stock.

MUNICIPALITY The City of Lockport. The word "municipal" refers to the municipality.

MUNICIPAL OFFICER OR EMPLOYEE A paid or unpaid officer or employee of the City of Lockport, including, but not limited to, the members of any municipal board.

RELATIVE A spouse, domestic partner, parent, step-parent, sibling, step-sibling, step-sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin or household member of municipal officer or employee and individuals having any of these relationships to the spouse of the officer or employee.

§ 18-3 Applicability.

This Code of Ethics applies to the officers and employees of the City of Lockport and shall supersede any prior municipal Code of Ethics. The provisions of this Code of Ethics shall apply in addition to all applicable state and local laws relating to conflicts of interest and ethics, including, but not limited to, Article 18 of the General Municipal Law and all rules, regulations, policies and procedures of the City of Lockport.

§ 18-4 Prohibition on use of municipal position for personal or private gain.

No municipal officer or employee shall use his or her municipal position or official powers and to secure a financial or material benefit for himself or herself, a relative or any private organization in which he or she is deemed to have an interest.

§ 18-5 Disclosure of interest in legislation and other matters.

- A. Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose, in writing, the nature of the interest.
- B. The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.
- C. In the case of a person serving in an elective office, the disclosure shall be filed with the Common Council of the municipality. In all other cases, the disclosure shall be filed with the person's supervisor, or, if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee or board having the power to appoint to the person's position. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

§ 18-6 Treatment of public.

An officer or employee of the City of Lockport shall treat all members of the public, whether a person, firm or corporation or other organization, with respect and in a professional manner, with equal consideration and without special advantage in carrying out his or her official duties.

§ 18-7 Recusal and abstention.

- A. No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative or any private organization in which he or she is deemed to have an interest.

- B. In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:
- (1) If power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or
 - (2) If the power or duty is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy, or if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function; or
 - (3) If the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

§ 18-8 Exceptions.

- A. This code's prohibition on use of a municipal position (§ 18-4), disclosure requirements (§ 18-5) and requirements relating to recusal and abstention (§ 18-7) shall not apply with respect to the following matters:
- (1) Adoption of the municipality's annual budget.
 - (2) Any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:
 - (a) All municipal officers or employees;
 - (b) All residents or taxpayers of the municipality or an area of the municipality;
or
 - (c) The general public.
 - (3) Any matter that does not require the exercise of discretion.
- B. Recusal and abstention shall not be required with respect to any matter:
- (1) Which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by § 18-7 of this code.
 - (2) Which comes before a municipal officer when the officer would be prohibited from acting by § 18-7 of this code and the matter cannot be lawfully delegated to another person.

§ 18-9 Investments in conflict with official duties.

- A. No municipal officer or employee may acquire the following investments:
- (1) Investments that can be reasonably expected to require more than sporadic recusal and abstention under § 18-7 of this code; or

- (2) Investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties; or
 - (3) Investments from any City of Lockport auction if the employee or officer is in the position to negotiate, prepare, authorize or approve the contract for the sale upon which he or she is bidding.
- B. This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:
- (1) Real property located within the municipality and used as his or her personal residence; or
 - (2) Less than 5% of the stock of a publicly traded corporation; or
 - (3) Bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

§ 18-10 Private employment in conflict with official duties.

No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

- A. Can be reasonably expected to require more than sporadic recusal and abstention pursuant to § 18-7 of this code; or
- B. Can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee; or
- C. Violates § 805-a(1)(c) or (d) of the General Municipal Law; or
- D. Requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matters to which the municipality is a party.

§ 18-11 Future employment.

- A. No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 90 days following final disposition of the matter.
- B. No municipal officer or employee, for the one-year period after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she serves.

- C. No municipal officer or employee at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.

§ 18-12 Personal representations and claims permitted.

This code shall not be construed as prohibiting a municipal officer or employee from:

- A. Representing himself or herself, or his or her spouse or minor children, before the municipality; or
- B. Asserting a claim against the municipality on his or her own behalf, or on behalf of his or her spouse or minor children.

§ 18-13 Use of municipal resources.

- A. Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel and the municipality's money, vehicles, equipment, materials, supplies or other property.
- B. No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:
 - (1) Any use of municipal resources authorized by law or municipal policy; or
 - (2) The use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or
 - (3) The occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.
- C. No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

§ 18-14 Interests in contracts.

- A. No municipal officer or employee may have an interest in a contract that is prohibited by § 801 of the General Municipal Law.
- B. Every municipal officer and employee shall disclose interests in contracts with the municipality at the time and in the manner required by § 803 of the General Municipal Law.

§ 18-15 Nepotism.

Except as otherwise required by law:

- A. No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board.
- B. No municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties.

§ 18-16 Political solicitations and campaign activities.

- A. No municipal officer or employee shall directly or indirectly compel or induce a subordinate municipal officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.
- B. No municipal officer or employee may act or decline to act in relation to appointing, hiring, promoting, discharging or disciplining, or in any manner changing the official rank, status or compensation of, any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.
- C. No employee shall engage in political campaign activities during his or her official City of Lockport workday.

§ 18-17 Confidential information.

No municipal officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

§ 18-18 Gifts.

- A. No municipal officer or employee shall solicit, accept or receive a gift in violation of § 805-a(1)(a) of the General Municipal Law as interpreted in this section.
- B. No municipal officer or employee may directly or indirectly solicit any gift.
- C. No municipal officer or employee may accept or receive any gift, or multiple gifts, from the same donor, having an annual aggregate value of \$75 or more when:
 - (1) The gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties; or
 - (2) The gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or

- (3) The gift is intended as a reward for any official action on the part of the officer or employee.
- D. For purposes of this section, a gift includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift's fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed \$75 must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.
- E. Gifts intended to influence or reward.
 - (1) A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.
 - (2) A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding 12 months.
- F. This section does not prohibit any other gift, including:
 - (1) Gifts made to the municipality;
 - (2) Gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;
 - (3) Gifts given on special occasions, such as marriage, illness or retirement, which are modest, reasonable and customary;
 - (4) Unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads and calendars;
 - (5) Awards and plaques having a value of \$75 or less which are publicly presented in recognition of service as a municipal officer or employee or other service to the community; or
 - (6) Meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

§ 18-19 Board of Ethics.

A. Membership.

- (1) The Board of Ethics shall consist of three members appointed by a super majority of the Common Council. One alternate may be appointed by a super majority of the Common Council to serve in the absence of another member.
- (2) There shall be three members of the Ethics Board initially serving one three-year term, one two-year term and one one-year term. The alternate member shall serve for one three-year term. Subsequently, each member shall be appointed for a three-year term or until such time as a successor is appointed.
- (3) Vacancy in office. If a vacancy shall occur otherwise than by expiration of term, the Common Council shall appoint the new member for the unexpired term.
- (4) Removal of members. The Common Council shall have the power to remove, after public hearing, any member of the Board for cause.

B. Qualification of Board Members.

- (1) All members of the Board of Ethics must be residents of the municipality.
- (2) The members of the Board of Ethics should be qualified by temperament and experience to carry out the duties and responsibilities of the Board.
- (3) No member of the Board of Ethics may hold office in a partisan political party or hold elective office in the City of Lockport. A Board member may make campaign contributions and vote, but not otherwise participate in any City of Lockport election campaign.
- (4) Not more than two members of the Board of Ethics may be members of the same political party.
- (5) No current officer or employee of the City of Lockport is eligible to serve on the Board of Ethics.

C. Compensation. Members of the Board of Ethics shall serve without compensation but may be reimbursed for reasonable and necessary expenses, as approved by the Common Council.

D. Powers and duties of the Board of Ethics.

- (1) The Board of Ethics shall select its own Chairperson from within the Board for a one-year term and appoint such staff as necessary to carry out its duties under this chapter and to delegate authority to the Chairperson, if any, to act in the name of Board between meetings of the Board, provided that the delegation is in writing and the specific powers to be delegated are enumerated, and further provided that the Board may not delegate the power to conduct hearings, determine violations, recommend disciplinary action, impose civil fines, refer any

matter to a prosecutor or render advisory opinions, except as stated in § 18-19D(9).

- (2) To prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner not inconsistent with this chapter or state or federal law.
- (3) To conduct investigations pursuant to § 18-20.
- (4) To conduct hearings, recommend disciplinary action and initiate appropriate actions and proceedings pursuant to §§ 18-18 and 18-19.
- (5) To issue advisory opinions pursuant to § 18-22.
- (6) To provide ethics training and education to City officers and employees on the provisions of the City Ethics Law and Article 18 of the General Municipal Law.
- (7) The Ethics Board of the City of Lockport may act only with respect to officers and employees of the municipality and persons having business dealing with the municipality. The termination of a City officer's or employee's term of office or employment with the City shall not affect the jurisdiction of the City Ethics Board with respect to requirements imposed by this chapter on former City officers or employees to the extent permitted by law.
- (8) The City Ethics Board may refer any matter within its jurisdiction to the County Ethics Board in its discretion.
- (9) A member of the Board of Ethics may be removed from office by a majority vote of the Common Council for failure to fulfill the duties of the office or for violation of this chapter. The Common Council must give the Board member written notice and an opportunity to reply.
- (10) The Ethics Board must prepare an annual report to the Common Council on its activities and recommend changes to the City Ethics Law.

§ 18-20 Complaints and investigations.

- A. Upon receipt of a form duly sworn by the person requesting an investigation of an alleged violation of this chapter or upon the Board determining on its own initiative that a violation of this chapter may exist, the Ethics Board shall have the power and duty to conduct any investigation necessary to carry out the provisions of this chapter. In conducting any such investigation, the Board may administer oaths or affirmations, subpoena witnesses and compel their attendance and require the production of any books or records which it may or deem relevant or material. The form to be utilized in requesting an investigation of an alleged violation of this chapter shall be the form available in the office of the City Clerk and on the City website.
- B. The City Ethics Board investigation shall be confidential until such time that a final determination of the City Ethics Board has been made. Thereafter, the City Ethics Board shall state, in writing, its disposition of every sworn complaint it receives and of

every investigation it conducts and shall set forth the reasons for the disposition to the Common Council. Any findings of violations of this chapter or other applicable law shall be served upon the subject of the investigation within seven days of such service of any findings of violations of this chapter, and violations shall be made a public record and shall be indexed and maintained on file by the City Clerk.

§ 18-21 Enforcement.

- A. In its discretion and after a hearing in accordance with Article 3 of the State Administrative Procedure Act (SAPA), and subject to § 75 of the Civil Service Law and any collective bargaining agreements, to the extent practicable, the City Ethics Board may recommend for action appropriate disciplinary action which may include a written warning, or reprimand forfeiture of accrued leave with pay, required attendance at ethics training seminars, suspension or termination of employment to the authority or person or body authorized by law to impose such sanctions.
- B. The City Ethics Board shall conduct and complete the hearing with reasonable promptness and shall not act without notice and opportunity to be heard and shall observe appropriate due process.

§ 18-22 Confidential ethics advisory opinions.

- A. The Board of Ethics shall render confidential advisory opinions only to officers and employees of the City of Lockport with respect to Article 18 of the General Municipal Law and this Code of Ethics. Officers and employees of the municipality are encouraged to seek advisory opinions whenever they are uncertain whether their conduct may violate the Code of Ethics.
- B. The Board of Ethics will prepare an advisory opinion based on a thorough review of the facts and applicable law. The Board's opinion is to be based solely on the facts presented in the request or subsequently submitted in a written, signed document. The opinion will be rendered, in writing, to the requester as expeditiously as is practicable, with special attention to the time requirements of a given case.
- C. An officer or employee of the municipality whose conduct or action is the subject of an advisory opinion will not be subject to penalties or sanctions by virtue of acting, or failing to act, due to a reasonable reliance on the opinion, unless material facts were omitted or misstated in the material submitted by the requester.
- D. The Board of Ethics will maintain a confidential, indexed file of all advisory opinions issued by the Board.

§ 18-23 Posting and distribution of code.

- A. The Mayor must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each building under the municipality's control. The code must be posted within 10 days following the date on which the code takes effect. An amendment to the code must be posted within 10 days following the date on which the amendment takes effect.

- B. The Mayor must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes an officer or employee of the City of Lockport.
- C. Every municipal officer or employee who receives a copy of this code, or an amendment to the code, must acknowledge such receipt in writing. Such acknowledgment must be filed with the City Clerk who must maintain such acknowledgment as a public record.
- D. The failure to post this code, or an amendment to the code, does not affect either the applicability or enforceability of the code or the amendment. The failure of a municipal officer or employee to receive a copy of this Code of Ethics, or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

§ 18-24 Penalties for offenses.

Any municipal officer or employee who violates this code may be censured, fined, suspended or removed from office or employment in the manner provided by law.

Seconded by Alderman Franco and adopted. Ayes 6.

042314.8

By Alderman Genewick:

Resolved, that the Director of Engineering is hereby authorized and directed to prepare bid specifications for the demolition of 31 Elmwood Avenue, and be it further

Resolved, that upon receipt of said specifications, the City Clerk is authorized and directed to advertise for bid proposals for same.

Seconded by Alderman Schrader and adopted. Ayes 6.

042314.9

By Alderman Genewick:

Whereas, an accident occurred at the City Garage and there was an extensive damage to a garage door, and

Whereas, repair required an emergency enclosure and door repair, and

Whereas, the City Clerk's office filed an insurance claim and received \$6,135.00 for this incident, and

Whereas, repairs were performed by Mulvey Construction, Inc, 5583 Davison Road, Lockport, NY in the amount of \$4,885.00 and Overhead Door Company of Lockport, PO Box 161, Lockport, NY in the amount of \$6,250.00 and require a budget amendment to fund the repair bills, now therefore be it

Resolved, to amend the budget as follows:

Increase:

001.0001.2680	Other Compensation for Loss	\$6,135.00
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0011.5110.4706	Building Repair/Structural	\$6,135.00
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Seconded by Alderman Kibler and adopted. Ayes 6.

042314.10

By Alderman Genewick:

Whereas, an accident occurred on Spring Street and there was an extensive damage to a guard rail, and

Whereas, repairs were required and an insurance claims was filed, and

Whereas, the City Clerk's office filed an insurance claim and received \$ 5,120 for this incident, and

Whereas, repairs were performed by Pavilion Drainage Supply Company, Inc, PO Box 219, Pavilion, NY and require a budget amendment to fund the repair bill, now therefore be it

Resolved, to amend the budget as follows:

Increase:

001.0001.2680	Other Compensation for Loss	\$5,120
001.5110.4717	Misc. Repair parts	\$5,120

Seconded by Alderman Kibler and adopted. Ayes 6.

042314.11

By Alderman Lombardi:

Resolved, that pursuant to his request, Pete Robinson DBA Winter Wonderland Project is hereby granted permission to conduct the "Winter Wonderland Project" along Market Street between Exchange Street Bridge and Cold Springs Bridge on daily, from 4:00 pm until 10:00 pm beginning December 1, 2014 through December 31, 2014, and be it further

Resolved that said permission includes the following:

1. Allow on street parking along Market Street during event times.
2. Use of the restroom facilities at Wide Waters Marina,
3. Allow decorative lights to be hung on city owned property along the canal.

And be it further,

Resolved, that the Director of Engineering be and the same is hereby authorized and directed to arrange for delivery of barricades and refuse containers to said area prior to said event, and be it further

Resolved, that said permission is subject to the Winter Wonderland Project filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Genewick and adopted. Ayes 6.

042314.11A

By Alderman Kibler:

Resolved, that pursuant to the recommendation of Mayor McCaffrey, Kenneth M. Genewick, 38 Harrison Avenue, Lockport, NY is hereby appointed to the Lockport Community Cable Commission for a term expiring on December 31, 2015.

Seconded by Alderman Fogle and adopted. Ayes 5, Ald Genewick Abstained.

042314.11B

By Alderman Kibler:

Resolved, that pursuant to the recommendation of Mayor Anne E. McCaffrey, Henry Schmidt, 578 Willow Street, Lockport, NY is hereby appointed as a member of the City of Lockport Board of Assessment Review to fill the unexpired term of Allen D. Miskell. Said term expires on September 30, 2018.

Seconded by Alderman Fogle and adopted. Ayes 6.

042314.11C

By Alderman Schrader:

Whereas, a water leak occurred in front of 61 Washington Street in the City of Lockport, and

Whereas, emergency repairs were completed by the City of Lockport Water Department, and

Whereas, funds were received from the homeowner to pay for repairs and deposited into account 002-0002-2700, now therefore be it

Resolved, that the 2014 budget be amended as follows:

Increase:

002-8340-4722-0205	\$10,341.00
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Seconded by Alderman Kibler and adopted. Ayes 6.

042314.12

ADJOURNMENT

At 6:31 P.M. Alderman Kibler moved the Common Council be adjourned until 6:00 P.M., Wednesday, May 7, 2014.

Seconded by Alderman Lombardi and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk